



## **PLANNING DIRECTOR HEARING AGENDA**

**Wednesday, August 25, 2021**

**The Director Hearing is meeting via teleconference from remote locations in accordance with state and local orders and measures taken as a result of the Covid-19 pandemic.**

**Members of the public may view and listen to the meeting by following the instructions listed on page 2. Additional instructions are provided on page 2 to those members of the Public who would like to comment on agendized items.**

**9:00 a.m.**

### **Hearing Officer**

**Robert Manford, Deputy Director  
on behalf of**

**Christopher Burton, Director  
Planning, Building and Code Enforcement**

## **NOTICE**

### **Electronic device instructions:**

For participants who would like to join electronically from a PC, Mac, Ipad, iPhone or Android device, please click this URL: <https://sanjoseca.zoom.us/j/97506088892>. Please ensure your device has audio input and output capabilities.

1. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
2. Enter an email address and name. The name will be visible online.

### **Telephone device instructions:**

For participants who would like to join telephonically please dial +1 408 638 0968, +1 213 338 8477, 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free) and when prompted, enter meeting ID: 975 0608 8892.

Before or during the meeting, if you have any agenda questions or trouble logging into the Zoom meeting please email [PlanningSupportStaff@sanjoseca.gov](mailto:PlanningSupportStaff@sanjoseca.gov) or call 408-535-3505 for assistance.

## NOTICE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Support Staff at 408-535-3505 or 1-800-735-2992 (TTY) at least three business days before any meeting or event.

## NOTICE TO THE PUBLIC

### 1. CALL TO ORDER

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Good morning, we are calling to order the Planning Director Hearing of **August 25, 2021**. My name is **Robert Manford** and I am the Hearing Officer for today's agenda on behalf of and delegated by the Director of Planning, Building and Code Enforcement, Christopher Burton.

Please note the following:

The hearing procedure and order of input will be as follows:

1. I will identify each project as described on the agenda.
2. For those items on the Consent Calendar, I will ask if anyone wishes to speak on the item. If a separate discussion is warranted, I will move the item to the Public Hearing portion of the agenda. If a separate discussion is not needed, the item will remain on the Consent Calendar for approval.
3. For those items listed under Public Hearing, I will ask staff to provide a brief report.
4. The applicant or their representative who wishes to speak on the item will have up to five minutes to speak and should identify themselves by stating their name for the record.
5. After the applicant or their representative has spoken, any member of the public who wishes to speak on the item may provide testimony, up to two minutes per speaker, either for or against the project. All speakers are required to state their name for the record.
6. Following comments from the public, the applicant may make additional remarks for up to five minutes.
7. I will then close the public hearing, and I may ask staff to answer questions, respond to comments made by the applicant or the public, or further discuss the item. I will take action on the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Director's actions on agenda items will be final when the permit is signed and mailed, unless the permit or the environmental clearance determination is appealed.** The Planning Director's actions on the permits are appealable in accordance with the requirements of Title 20 of the Municipal Code (Zoning Ordinance). The Planning Director's actions on the environmental review for the permits under the California Environmental Quality Act (CEQA) are separately appealable in accordance with the requirements of Title 21 of the Municipal Code (Environmental Clearance).

The City of San Jose is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed on-line at <https://www.sanjoseca.gov/home/showdocument?id=11915>

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

## **AGENDA** **ORDER OF BUSINESS**

### **2. DEFERRALS**

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Any item scheduled for hearing this morning for which deferral to a future meeting date is being requested will be moved to this portion of the agenda and considered on the matter of deferral. I will identify any items to be deferred and ask for comments from the audience. If you want to change any of the deferral dates or speak to the question of deferring these or any other items, please use the 'raise hand' feature in Zoom or click \*9 to raise a hand or contact 408-535-3505 to speak.. I will now open the public hearing. The following items are proposed for deferral.

**No items.**

**The matter of Deferrals is now closed.**

### **3. CONSENT CALENDAR**

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#### **NOTICE TO THE PUBLIC**

Consent calendar items are considered to be routine and will be considered in one action. There will be no separate discussion of these items unless a request is made by the staff or the public to have an item removed from the consent calendar and considered separately.

If you wish to speak on one of these items please use the 'raise hand' feature in Zoom or click \*9 to raise a hand to speak or contact 408-535-3505 to request to speak.

- a. [\*\*SP20-002 & T20-003\*\*](#). Special Use Permit to demolish two office buildings totaling approximately 9,762 square feet, and allow the construction of a six-story, 65-foot high, mixed-use building consisting of 61 residential condominium units and nine commercial condominiums totaling approximately 17,970 square feet of commercial area, and one basement level parking garage, reduction in vehicle parking in conformance with a Transportation Demand Management (TDM) plan, and the removal of sixteen trees, including nine ordinance-size trees in the Winchester Boulevard Urban Village. The project also includes a Tentative Map to subdivide the subject lot into no more than 61 residential condominium units and no more than nine commercial condominium units on an approximately 0.82-gross acre site located on the west side of South Winchester Boulevard, approximately 600 feet southerly of Williams Road (1073-1087 South Winchester Boulevard) (Adam Askari, Owner). Council District 1. CEQA:Initial Study/Mitigated Negative Declaration for 1073-1087 South Winchester Boulevard Mixed-Use Project.

**PROJECT MANAGER, MAIRA BLANCO**

**Staff Recommendation:** Consider the Initial Study/Mitigated Negative Declaration in accordance with CEQA. **Approve** a Special Use Permit and a Tentative Map.

- b. [PD21-013](#). Planned Development Permit to allow the installation of one diesel emergency back-up generator, a ten-foot concrete block wall, and to exceed the Noise Performance Standards for a commercial use adjacent to a residentially used property on an existing T-Mobile wireless telecommunication site located at 1119 Almaden Oaks Lane (San Jose Water Company, Owner). Council District 10. CEQA: Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.

*PROJECT MANAGER, STEFANIE FARMER*

**Staff Recommendation:** Consider the Exemption in accordance with CEQA. **Approve** a Planned Development Permit.

**The Consent Calendar is now closed.**

#### **4. PUBLIC HEARING**

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- a. [SP20-013 & T20-014](#). Special Use Permit to allow the demolition of two commercial buildings, the removal of three ordinance-size trees, and the construction of a five-story over podium multi-family residential building with 62 dwelling units, including 11 affordable units, with associated parking, landscaping, and amenities. This project also includes a Tentative Map to create 62 residential condominiums on an approximately 0.58-gross acre site located on the west side of Almaden Road, approximately 380 feet southerly of Willow Glen Way (1747 Almaden Road) (Siamack Nemazie and Khatereh Heydari Tru, Owner). Council District 6. CEQA: Environmental Impact Report (EIR) for the Almaden Villas Project.

*PROJECT MANAGER, LAURA MEINERS*

**Staff Recommendation:** Adopt a resolution certifying the Environmental Impact Report (EIR) for the Almaden Villas Project and make certain findings concerning significant impacts, mitigation measures, and alternatives, and adopt the related Mitigation Monitoring and Reporting Program, in accordance with CEQA. **Approve** a Special Use Permit and a Tentative Map.

#### **5. ADJOURNMENT**

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**This concludes the Planning Director Hearing for August 25, 2021. Thank you.**

PLANNING DIRECTOR AGENDA ON THE WEB:

<http://www.sanjoseca.gov/directorshearing>

PUBLIC INFORMATION COUNTER

CITY OF SAN JOSÉ (408) 535-3555

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.